

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Edmond Powell, Jr.,

Plaintiff,

v.

Michael J. Astrue,  
Commissioner of Social Security,

Defendant.

C/A No. 0:10-686-TLW-PJG

**ORDER**

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a “final decision” of the Commissioner of the Social Security Administration (“Commissioner”). The plaintiff, Robert Edmond Powell, Jr., (“Plaintiff”) initiated this action and filed his Complaint on March 17, 2010. (Docket Entry 1.)

The Federal Rules of Civil Procedure state that a plaintiff must serve a defendant within 120 days after the complaint is filed and, unless service is waived, must provide proof of service to the court. Fed. R. Civ. P. 4(l)(1) and 4(m). As of the date of this order, more than 120 days has passed since the Plaintiff initiated this action by filing his Complaint, and the Plaintiff has not filed proof of service with the court. It is therefore

**ORDERED** that the Plaintiff shall have until **August 17, 2010** to provide the court with proof of service of the Complaint upon the defendant in accordance with Federal Rule of Civil Procedure 4(l)(1), or to show good cause for failure to serve pursuant to Rule 4(m). **Failure to do so will result in a recommendation that this case be dismissed for failure to serve.** Fed. R. Civ. P. 4(m).

**IT IS SO ORDERED.**

August 11, 2010  
Columbia, South Carolina

  
Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE